

WEINER LAW GROUP LLP



629 Parsippany Road
Parsippany, New Jersey 07054
P (973) 403-1100 F (973) 403-0010
www.weiner.law

LAWRENCE M. BERKELEY
Member of the Firm

lmberkeley@weiner.law

May 5, 2021

Via Electronic Filing

Clerk, United States District Court
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Kim, Sungjin v. Costco Wholesale Corp., et al.
Docket No.: BER-L-2178-21
Our File No.: COST-134

Dear Sir/Madam:

Enclosed please find Petition for Removal on behalf of defendant, Costco Wholesale Corporation. Please file same. By copy of this letter, we are advising our adversary of this Petition.

Thank you for your courtesy in this regard.

Respectfully submitted,

LAWRENCE M. BERKELEY
A Member of the Firm

LMB/yo
Enclosures.

cc: Clerk, Superior Court of New Jersey, Bergen County (via electronic filing)
Daniel S. Suh, Esq. (via email only – dsuh@rosemariearnold.com)

WEINER LAW GROUP LLP

Lawrence M. Berkeley – 7706

629 Parsippany Road

Parsippany, NJ

Tel: (973) 403-1100

Fax: (973) 403-0010

Email: lberkeley@weiner.law

Attorneys for Defendant, Costco Wholesale Corp. i/p/a Costco Wholesale Warehouse #1214

Our File No. COST-134

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KIM, SUNGJIN

Plaintiff

vs.

**COSTCO WHOLESALE
CORPORATION, COSTCO
WHOLESALE WAREHOUSE #1214
and/or “ABC CORP. 1-10” and/or “DEF
MAINTENANCE COMPANY 1-10”
and/or “JOHN DOES 1-10” (the last three
being fictitious designations),
SHARKNINJA OPERATING LLC
and/or “XYZ CORP. 1-10” (last being a
fictitious designation).**

CIVIL ACTION NO.:

Defendants.

PETITION FOR REMOVAL

Petitioner, Costco Wholesale Corp. i/p/a Costco Wholesale Warehouse #1214 (“Costco”), by its attorneys, WEINER LAW GROUP LLP, respectfully petitions the United States District Court for the District of New Jersey as follows:

1. This case was commenced on March 31, 2021 in the Superior Court of New Jersey, Law Division, Bergen County. Suit is identified in the Superior Court as Kim, Sungjin v. Costco Wholesale Corporation, et al., Docket No. BER-L-2178-21. (See Exhibit A).

2. Costco first received a copy of the Complaint on April 8, 2021 when Plaintiff, Sungjin Kim,

served it upon the Costco warehouse where the incident allegedly took place. (See Exhibit B).

3. The filing of this Petition for Removal is timely because it is filed within thirty days of the date Costco first received notice of the lawsuit.

4. Plaintiff's Complaint in the Superior Court of New Jersey, Law Division, Bergen County, asserts damages of a non-specified amount. Plaintiff, allegedly sustained injuries at the Costco warehouse as a result of falling inside of the warehouse. As such, defendant Costco believes the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Costco is informed and believes that Plaintiff is an individual citizen of the State of New Jersey. Defendant/petitioner, Costco, is a Washington corporation and its principal place of business is 999 Lake Drive, Issaquah, Washington 98027.

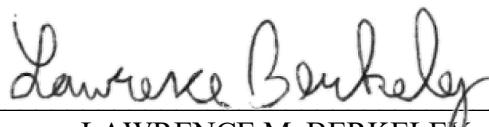
6. Upon information and belief, co-defendant SharkNinja Operating LLC ("SNO") is a Massachusetts limited liability company with its global headquarters located at 89 A Street #100, Needham, MA 02494. To date, co-defendant SNO has not filed an Answer to the Complaint, and the undersigned has been unable to otherwise identify counsel for SNO in an effort to obtain SNO's consent for the removal of this matter to federal court. Costco currently does not have the ability to obtain consent from SNO.

7. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, Petitioner, Costco, defendant in the action described herein, which is currently pending in the Superior Court of the State of New Jersey, Law Division, Bergen County, Docket No. BER-L-2178-21, prays that this action be removed therefrom to this Court.

Defendant, Costco Wholesale Corporation

Dated: May 5, 2021

BY: 
LAWRENCE M. BERKELEY
(LMB-7706)

I certify that a true copy of the Complaint filed in the Superior Court of the State of New Jersey, County of Bergen, along with a copy of the Summons issued to this defendant, is annexed hereto as Exhibit A.

Dated: May 5, 2021

BY: 
LAWRENCE M. BERKELEY, ESQ.
(LMB-7706)